



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

March 25, 2011

Ms. J. Macklin Milligan
Assistant District Attorney
Harris County
1201 Franklin, Suite 600
Houston, Texas 77002

OR2011-04112

Dear Ms. Milligan:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 412196.

The Harris County District Attorney's Office (the "district attorney") received a request for the district attorney's entire case file related to a named defendant. You claim that some of the requested information consists of records held by the district attorney on behalf of the grand jury and is, therefore, not subject to the Act. Alternatively, you claim that the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

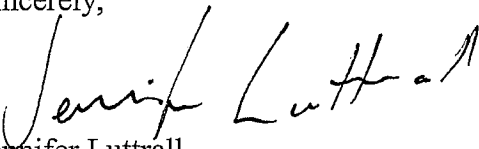
You inform us the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2010-16616 (2010). In that ruling, we concluded that a portion of the information at issue consists of records of the judiciary and is not subject to disclosure under the Act and the remaining information must be withheld under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code. You do not indicate the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, we find the district attorney must continue to rely on Open Records Letter No. 2010-16616 as a previous determination and withhold the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where

requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we need not address your arguments against disclosure.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/dls

Ref: ID# 412196

Enc. Submitted documents

c: Requestor
(w/o enclosures)